

United States Senate

WASHINGTON, DC 20510

September 8, 2005

The Honorable Margaret Spellings
Secretary
United States Department of Education
400 Maryland Avenue, S.W.
Washington, D.C. 20202

Dear Madam Secretary:

We write to request supplemental funding and a one-year waiver of No Child Left Behind Act (NCLB) accountability standards for school districts across the country that have begun to welcome the thousands of students from the Gulf Coast region displaced by Hurricane Katrina and its aftermath.

People around the country, including in our states, are working diligently to enroll these students in school and provide access to the related services that will help them with the transition to a new school. Like you, we have begun to hear from people in our states about the effect of these efforts on our school districts and how the federal government can help.

We commend you for stating that “[w]e stand ready to help -- and will do everything in our power to meet the needs of those affected. We will welcome these kids and worry about the fine print later.” We believe that part of the “fine print” is ensuring there are adequate funds for school districts that are absorbing displaced students and teachers. We ask that the Administration’s next supplemental spending request include dedicated funding for these states and school districts.

In addition, our hope is that you would exercise the waiver authority expressly included in NCLB to allow an additional year for school districts to meet accountability standards in the event of natural disaster. We commend your stated commitment to expediting registration for the thousands of students who will be attending school in a different district and/or state. We also welcome the Department’s statement that it will “[o]n a case-specific basis...relax certain reporting provisions of the No Child Left Behind Act for affected states.” Your

recent letter to chief state school officers outlines the Department's current plans to provide flexibility under the NCLB, and we encourage you to provide that additional year for affected districts and states to absorb this unforeseen and widespread shift in the K-12 population.

We recognize that this is a changing situation. We ask that the Department enhance its initial response by extending to those states and school districts most affected by this tragedy – either by accepting or by losing students – an additional year to meet adequate yearly progress standards, teacher quality mandates and related statutory requirements. We all agree that states and school districts should be held accountable for results, but we also agree that these unique circumstances call for a measured, flexible approach that takes into account the needs of displaced students and the new school districts and/or states in which they will be attending school. A strict interpretation of the NCLB accountability provisions could undermine the commendable efforts of these school districts and states to provide a high quality education –and a small measure of normalcy – to these students.

You stated on National Public Radio that “we don’t want to write off this school year academically for these kids.” We share that view. We do, however, need to take into consideration the harrowing events that they have experienced. We are deeply concerned about the effect that the tragedy of the hurricane and related losses, coupled with being uprooted to another place – whether across the state or on other side of the country – and with the associated pressures of being enrolled in a new school far from home will have on the thousands of displaced students.

As you know, states have been gearing up for NCLB accountability requirements – including new testing to begin during 2005-2006 school year. Since each state has developed its own academic standards and aligned assessments to measure those standards, it is troubling that thousands of students could be required to take the tests developed by another state – tests that may measure standards that are very different from those of their home states. We are concerned about the effect of this process on the morale of the displaced students and on the adequate yearly progress standards for the 2005-2006 school year for the states and districts that have welcomed these students.

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We look forward to working with you to ensure that students displaced by Hurricane Katrina and those school districts and states to which they have been relocated have a successful 2005-2006 school year. Thank you in advance for your attention to these requests.

Sincerely,

A handwritten signature in black ink, reading "Russell D. Feingold". The signature is written in a cursive style with a large, stylized "R" and "F".

Russell D. Feingold
United States Senator

A handwritten signature in black ink, reading "Richard Durbin". The signature is written in a cursive style with a large, stylized "R" and "D".

Richard Durbin
United States Senator